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Written statement* submitted by the Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

* Issued as received, in the language(s) of submission only.

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Conditions in Bahrain's Jau Prison

Americans for Democracy & Human Rights in Bahrain (ADHRB) takes this opportunity at the 39th Session of the United Nations Human Rights Council (HRC) to raise serious concern about the conditions of detention for individuals in Bahrain's Jau Prison. The prison is overcrowded and unsanitary, and prisoners report abusive behavior from guards and denial of medical care by prison staff. Further, in July 2018, prisoners began to report that water was being cut to the prison. As of mid-August 2018, reports of water cuts continued.

General Prison Conditions

Jau Prison is the primary long-stay prison in Bahrain. A large number of the prisoners being detained in Jau are political prisoners convicted on charges related to freedom of expression, assembly, and association. In 2013, the Ministry of Interior Ombudsman reported that the prison had a capacity of 1201 persons, but housed 1608, representing that Jau was approximately 34% over capacity by official numbers. In 2015, ADHRB and other organizations estimated that at least 2700 inmates were being detained. In 2017, the U.S. Department of State recorded 3485 individuals in custody, including in Jau, Dry Dock, and the women's facilities in Isa Town. With an estimated 26 percent in pre-trial detention and five percent being women, the remaining 69% of the 2017 figures (approximately 2405) are presumed to be held in Jau.

Inmates have reported that their cells, which were made for six inmates each, housed as many as twelve people by the end of 2013. Prisoners are forced to sleep in hallways between cells or the prison mosques.

This overcrowding has made Jau's living conditions even worse. Prison cells and toilets are unsanitary, the healthcare facilities are inadequate, and detainees are systematically tortured both physically and psychologically. Prisoners have reported being confined to their cell for more than 23 hours per day, only being allowed to leave during the hottest point of the day. This has forced some prisoners to eat inside their cells, attracting ants and cockroaches. This also prevent the inmates from participating in adequate exercise for their health, and prevents proper rehabilitation of injuries.

Damaged or unclean bedding is rarely replaced, it is difficult for families to send clothing from outside the prison, and the prison commissary fails to meet all inmates' needs. Additionally, not all prison cells have toilets. Due to this, inmates are occasionally forced to use the showers instead of toilets, which made the showers, as one prisoner described, "filthy."

Detainees have reported restrictions on visits with their families, and food and water, specifically around the time of Ramadan. They have also stated that religious rites are prohibited, and they are punished with solitary confinement if they attempt to practice.

The Human Rights Council Special Procedures raised many of these same concerns on multiple occasions in 2015, following the collective punishment and mass torture of inmates after unrest in the prison in March 2015. Despite this and pressure from the international community, the conditions in Jau have failed to improve, and have in fact worsened.

Denial of Medical Care

Many prisoners in Jau have reported that in addition to the inhumane conditions within the prison, prison staff frequently refuse to provide necessary medical care and medication to individuals in detention. Prisoners have reported refusal from guards to take individuals to the prison clinic. On the occasions when they are taken to the clinic, prisoners report that they are often provided no medical care or medication other than painkillers, regardless of the severity of their conditions. Prisoners have also reported that the prison administration contravenes the advice of medical personnel, refusing to fulfill recommendations for specialist care or surgery that would require care outside of the prison.

Further, since February 2017 the prison has implemented new policies designed to humiliate and degrade, particularly the requirement of full wrist and ankle shackles to visit the prison clinic and receive medical care. A number of political prisoners have refused to subject themselves to this abuse, and the prison staff has flatly refused to seek alternative methods to shackling, leaving these individuals completely deprived of medical care.

One such case of denied medical care is political prisoner Hassan Mushaima. Hassan Mushaima was previously the Secretary-General of the Haq Movement for Liberty and Democracy and is the Co-founder and former Vice President of al-Wefaq National Islamic Society, the largest political opposition group, which the Government of Bahrain dissolved in 2016. He was sentenced for "attempting to overthrow the government," for his role in the pro-democracy protests in 2011. He is currently serving a life sentence on these political charges, and has been subjected to ill

treatment in Jau Prison, including the continued denial of healthcare and restricted access to medication by the prison administration.

Mushaima, 70 years old, suffers from a myriad of chronic medical conditions, including cancer, diabetes, high blood pressure, and gout. His cancer is in remission, but he requires regular screenings to ensure that it has not returned, every six months. However, the prison authorities have consistently restricted his access to these crucial screenings. He has not been screened for cancer since September 2016. Further, he has not seen any physician since March 2017. Mushaima has not received his medication for diabetes and high blood pressure on a consistent basis since August 2017. He reports that prisoners often have to borrow medication from one another when prison officials skip dosages or provide a lower dose than is required. The prison authorities failed to provide Mushaima with medication for his diabetes for more than a month during November and December 2017.

In response to this continued denial of healthcare and medication, his son Ali Mushaima started a hunger strike outside the Bahraini embassy in London on 1 August 2018. Ali says that he will remain there and continue his hunger strike until the Bahraini authorities provide his father with medical care, permit him to have family visits unencumbered by shackles, and return his books. On 8 August 2018, authorities took Mr. Mushaima to the Bahrain Defence Force (BDF) Hospital without shackles, but Ali reports that he did not receive medical tests or cancer screenings. As of mid-August 2018, Ali Mushaima's hunger strike continued.

The Special Procedures offices have sent six communications to Bahrain concerning Hassan Mushaima between February 2011 and April 2014. However, Mr. Mushaima's conditions of detention have not improved.

Water Cuts

In addition to the failure of the Bahraini authorities to provide for the medical needs of prisoners, they have recently begun cutting water to the prison for extended periods of time, during some of the hottest days of the year. Water cuts began to Jau Prison on 9 July 2018, affecting at least six buildings and including New Dry Dock, which houses convicted individuals under 21 years of age.

Prisoners have reported in some buildings that these water cuts were ongoing for at least four consecutive days. They report that they are only given one cup of water per day, and that they are forced to drink water from the bathroom sinks. When the water to the bathrooms is also cut, the prisoners drink the juice in their meals rather than water. The prisoners report that water is running to the buildings for only one hour per day, which means that prisoners are unable to shower. At least one building has no air conditioning.

Prisoners have also reported that the guards have insulted them, with at least one guard stating that the prison cut the water in the hopes that the inmates would die from thirst. One prisoner was taken to solitary confinement for questioning a guard as to why the water had been cut.

Bahrain's current temperatures range from 32-39 degrees Celsius, with a heat index of 38-45 degrees Celsius. The Bahrain News Agency recently reported that July 2018 had the second-highest temperatures for July in Bahrain since 1902. The temperature exceeded 40 degrees on 17 days during July 2018. Further, the hottest day of the month was 8 July, when temperatures reached 45.3 degrees. Notably, water cuts in the prison began on the day immediately following the hottest day of the month.

Conclusion and Recommendations

The actions of the Bahraini authorities demonstrates a clear pattern of abusive behavior in Jau Prison, in violation of a number of international principles and obligations, including the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). ADHRB therefore urges the international community to urge Bahrain to:

- Release all individuals who have been imprisoned for their political or human rights work, particularly Hassan Mushaima;
- Provide necessary medical care and medication without subjecting prisoners to degrading and humiliating measures such as shackles;
- Investigate all claims of torture and ill treatment in Jau Prison and other detention facilities; and,
- Immediately provide unrestricted access to water for all prisoners.